

REMARKS

The Office Action mailed April 16, 2008 has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof.

Claims 1-61 are pending in this application. Claims 1-61 stand rejected.

The rejection of Claims 3, 25, 50, and 54 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Applicants respectfully traverse the assertion on page 2 of the Office Action that, “It is unclear what Applicant means by ‘graphically illustrate’.” Applicants have amended Claims 3, 25, 50, and 54 to recite, “a status map to *display on a graphical user interface* the proposed expenditure request’s current step in an approval process . . .” (emphasis added). Applicants submit that Claims 3, 25, 50, and 54 particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, Applicants submit that Claims 3, 25, 50, and 54 satisfy Section 112, second paragraph.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 3, 25, 50, and 54 under Section 112, second paragraph, be withdrawn.

The rejection of Claim 8 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Applicants respectfully traverse the assertion on page 2 of the Office Action that it is unclear “what the partnership is being selected from.” Applicants have amended Claim 8 and submit that Claim 8 particularly points out and distinctly claims the subject matter which Applicants regard as the invention. Accordingly, Applicants submit that Claim 8 satisfies Section 112, second paragraph.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claim 8 under Section 112, second paragraph, be withdrawn.

The rejection of Claim 53 under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential steps, such omission amounting to a gap between the steps is respectfully traversed. The Office Action cites 35 U.S.C. § 112, second paragraph for rejecting Claim 53 as being incomplete for omitting essential steps. However, MPEP § 2172.01 states that a “claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. § 112, first paragraph, as not enabling.” Accordingly, Applicants respectfully submit that an omission of essential matter falls under 35 U.S.C. § 112, first paragraph and proceed as such.

Applicants respectfully traverse the assertion on pages 2-3 of the Office Action that, “there seems to be an essential step that is missing between ‘provides a limited partner approval process’ and ‘tracks technical and economic performance metrics’.” Applicants have amended Claim 53 to recite, “provides a limited partner approval process . . . and *enables a user to track technical and economic performance metrics*” (emphasis added). Applicants submit that one of ordinary skill in the art after reading the specification would understand Claim 53 to be enabling. Accordingly, Applicants submit that Claim 53 satisfies Section 112, first paragraph.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claim 53 under Section 112, second paragraph, be withdrawn.

The rejection of Claims 52-61 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

Applicants respectfully traverse the assertion on page 3 of the Office Action that, “Claims 52-61 solely recite the limitation ‘A computer program’.” Applicants have amended Claim 52 to recite:

A computer program embodied on a computer readable medium *and executable by a processor* for exchanging information within a partnership, said program comprising at least one code segment that receives business data relating to the partnership and then . . . (emphasis added).

Applicants submit that a computer program stored on a computer readable medium that is executable by a processor is statutory subject matter. Accordingly, Applicants submit that Claims 52-61 satisfy Section 101.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 52-61 under Section 101 be withdrawn.

The rejection of Claims 1-3, 6, 17, 23-25, 28, 39, 52, 56, and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevoid et al.) is respectfully traversed. Although the Office Action did not include Claims 22 or 44 in the heading of the Section 103 rejection, Applicants note that Claims 22 and 44 are included in the body of the rejection. Accordingly, Applicants have included Claims 22 and 44 in these arguments.

Tondevoid et al. describes a method and system for routing a form to selected users. The method includes selecting a form, entering data into selected fields of the form, creating a file containing the entered data, determining the form recipients, and transmitting the file to the selected recipients. The system transmits the file based on the form type and routing definition, and the system tracks the file to assure that the initiator of the form receives a response. Notably, Tondevoid et al. does not describe or suggest formatting data using web pages stored within the server, downloading the web pages to authorized users requesting the updated data, or determining a hedge position for the partnership.

Claim 1 recites a method for exchanging information within a partnership using a web-based system, said method comprising: “providing forms stored within the server as web pages for the insertion of updated partnership business data and causing the forms to be displayed on a client system . . . formatting the partnership business data uploaded using web pages stored within the server . . . downloading the web pages to authorized users requesting the updated partnership business data . . . [and] accessing the plurality of analytical tools including an authorization for expenditure tool and a glance hedge partnership tool . . . wherein the glance hedge partnership tool enables an authorized user to determine a hedge position for the partnership from the partnership business data stored within the database . . .”

Applicants respectfully submit that Tondevoid et al. does not describe or suggest a method for exchanging information within a partnership using a web-based system as is recited in Claim 1.

Specifically, Tondevoid et al. does not describe or suggest “formatting the partnership data uploaded using web pages stored within the server.” Rather, in contrast to the invention, Tondevoid et al. describes sending data through forms with fixed fields filled out by the

sender. Page 4 of the Office Action asserts that “forms having a structured format” meets the limitation, “formatting the partnership data uploaded using web pages stored within the server.” Applicants respectfully note, however, that Claim 1 recites, “*providing forms* stored within the server as web pages *for the insertion of updated partnership business data . . .*” (emphasis added). As such, Claim 1, on its face, clearly distinguishes the partnership data from the provided forms. Taking this distinction into consideration, “forms having a structured format” does not meet the limitation, “formatting the partnership data.”

Furthermore, Tondevold et al. does not describe or suggest “downloading the web pages to authorized users requesting the updated partnership business data.” Downloading a web page, for example, requires active participation by the recipient. Rather, in contrast to the invention, Tondevold et al. describes that the form is automatically forwarded to passive recipients determined by the sender.

Furthermore, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.”

Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al.

Claims 2, 3, 6, 17, and 22 depend from independent Claim 1. When the recitations of Claims 2, 3, 6, 17, and 22 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 2, 3, 6, 17, and 22 likewise are patentable over Tondevold et al.

Claim 23 recites a web-based system for exchanging information within a partnership, said system comprising a server configured to: “provide forms stored within said server as input web pages for the insertion of updated partnership business data . . . format the partnership business data uploaded using output web pages stored within said server . . . download the output web pages to authorized users requesting the updated partnership business data . . . [and] access the plurality of analytical tools including an authorization for expenditure tool to enable an authorized user to submit a request for a proposed expenditure within the partnership and a glance hedge partnership tool to enable an authorized user to

determine a hedge position for the partnership from the partnership business data stored within the database . . .”

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claims 24, 25, 28, 39, and 44 depend from independent Claim 23. When the recitations of Claims 24, 25, 28, 39, and 44 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claims 24, 25, 28, 39, and 44 likewise are patentable over Tondevold et al.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor for exchanging information within a partnership, said program comprising at least one code segment that: “downloads the web pages to authorized users requesting the updated partnership business data . . . [and] accesses the plurality of analytical tools including an authorization for expenditure tool to enable an authorized user to submit a request for a proposed expenditure within the partnership, and a glance hedge partnership tool to enable an authorized user to determine a hedge position for the partnership from the partnership business data stored within the database . . .”

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over Tondevold et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claims 54 and 56 depend from independent Claim 52. When the recitations of Claims 54 and 56 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claims 54 and 56 likewise are patentable over Tondevold et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 1-3, 6, 17, 23-25, 28, 39, 52, 56, and 54 under Section 103 be withdrawn.

The rejection of Claims 4 and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 5,819,271 (Mahoney et al.) is respectfully traversed.

Tondevold et al. is described above.

Mahoney et al. describes a corporate information communication and delivery system and method. A database stores research reports and corporate information. Authorization information specifies who is authorized to access each item. The method includes submitting a query and receiving research reports and corporate information that the user is authorized to access. Notably, nowhere does Mahoney et al. describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al. and Mahoney et al. describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al. and Mahoney et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Mahoney et al. describe or suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Mahoney et al.

Claim 4 depends from Claim 1. When the recitations of Claim 4 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claim 4 likewise is patentable over Tondevold et al. in view of Mahoney et al.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is

patentable over Tondevold et al. in view of Mahoney et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 26 depends from independent Claim 23. When the recitations of Claim 26 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claim 26 likewise is patentable over Tondevold et al. in view of Mahoney et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 4 and 26 under Section 103 be withdrawn.

The rejection of Claims 5, 27, and 55 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 6,442,526 (Vance et al.) is respectfully traversed.

Tondevold et al. is described above.

Vance et al. describes a system for corporate travel planning and management. The system includes receiving travel data, converting it into a predefined format, and matching the data to prepare an expense report. Notably, nowhere does Vance et al. describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al. and Vance et al. describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al. and Vance et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Vance et al. describe or suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Vance et al.

Claim 5 depends from Claim 1. When the recitations of Claim 5 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claim 5 likewise is patentable over Tondevold et al. in view of Vance et al.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Vance et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 27 depends from independent Claim 23. When the recitations of Claim 27 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claim 27 likewise is patentable over Tondevold et al. in view of Vance et al.

Claim 52 is recited above.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over Tondevold et al. in view of Vance et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 55 depends from independent Claim 52. When the recitations of Claim 55 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claim 55 likewise is patentable over Tondevold et al. in view of Vance et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 5, 27, and 55 under Section 103 be withdrawn.

The rejection of Claims 7-9 and 29-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 5,974,403 (Takriti et al.) is respectfully traversed. Although the Office Action did not include Claim 57 in the heading of the Section 103 rejection, Applicants note that Claim 57 is included in the body of the rejection. Accordingly, Applicants have included Claim 57 in these arguments.

Tondevold et al. is described above.

Takriti et al. describes a method and system for forecasting the spot price of electric power. The method includes using probabilistic models and constraints that factor into the spot price to create probabilistic distributions for spot prices. Notably, nowhere does Takriti et al. describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al. and Takriti et al. describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al. and Takriti et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Takriti et al. describe or suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Takriti et al.

Claims 7-9 depend from Claim 1. When the recitations of Claims 7-9 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 7-9 likewise are patentable over Tondevold et al. in view of Takriti et al.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Takriti et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claims 29-31 depend from independent Claim 23. When the recitations of Claims 29-31 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claims 29-31 likewise is patentable over Tondevold et al. in view of Takriti et al.

Claim 52 is recited above.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over Tondevold et al. in view of Takriti et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 57 depends from independent Claim 52. When the recitations of Claim 57 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claim 57 likewise is patentable over Tondevold et al. in view of Takriti et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 7-9 and 29-31 under Section 103 be withdrawn.

The rejection of Claims 10, 12-16, 32, 34-38, and 58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 7,099,838 (Gastineau et al.) is respectfully traversed.

Tondevold et al. is described above.

Gastineau et al. describes a system and method for determining a basket of financial instruments for hedging investment risk in actively managed exchange traded funds. The method includes using factor information about actively managed exchange traded fund holdings to select a portfolio that has substantially the same sensitivities that affect the value of the fund holdings. Notably, nowhere does Gastineau et al. describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al. and Gastineau et al. describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al. and Gastineau et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Gastineau et al. describe or

suggest determining a hedge position *for a partnership* (emphasis added). In contrast to the invention, Gastineau et al. recites “adjusting portfolio positions to take into consideration any trading that occurred on the previous trading day.” Rather, Gastineau et al. relates to hedging techniques for exchange traded funds, generally. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Gastineau et al.

Claims 10 and 12-16 depend from Claim 1. When the recitations of Claims 10 and 12-16 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 10 and 12-16 likewise are patentable over Tondevold et al. in view of Gastineau et al.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Gastineau et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claims 32 and 34-38 depend from independent Claim 23. When the recitations of Claims 32 and 34-38 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claims 32 and 34-38 likewise is patentable over Tondevold et al. in view of Gastineau et al.

Claim 52 is recited above.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over Tondevold et al. in view of Gastineau et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 58 depend from independent Claim 52. When the recitations of Claim 58 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claim 58 likewise is patentable over Tondevold et al. in view of Gastineau et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 10, 12-16, 32, 34-38, and 58 under Section 103 be withdrawn.

The rejection of Claims 11 and 33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 7,099,838 (Gastineau et al.) and further in view of U.S. Patent 6,658,460 (Streetman et al.) is respectfully traversed.

Tondevold et al. and Gastineau et al. are described above.

Streetman et al. describes a system for evaluating particular natural resource property. The system performs due diligence and generates a valuation/purchase feasibility graph indicative of the value of the natural resource. Notably, nowhere does Streetman et al. describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al., Gastineau et al., and Streetman et al. describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al., Gastineau et al., and Streetman et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Gastineau et al. describe or suggest determining a hedge position *for a partnership* (emphasis added). In contrast to the invention, Gastineau et al. recites “adjusting portfolio positions to take into consideration any trading that occurred on the previous trading day.” Rather, Gastineau et al. relates to hedging techniques for exchange traded funds, generally. Moreover, nowhere does Streetman et al. describe or suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Gastineau et al. and further in view of Streetman et al.

Claim 11 depends from Claim 1. When the recitations of Claim 11 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent

Claim 11 likewise is patentable over Tondevold et al. in view of Gastineau et al. and further in view of Streetman et al.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Gastineau et al. and further in view of Streetman et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 33 depends from independent Claim 23. When the recitations of Claim 33 is considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claim 33 likewise is patentable over Tondevold et al. in view of Gastineau et al. and further in view of Streetman et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 11 and 33 under Section 103 be withdrawn.

The rejection of Claim 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 6,658,460 (Streetman et al.) is respectfully traversed. Although the Office Action did not include Claims 21, 40, 43, 47, 49, 50, 51, or 59 in the heading of the Section 103 rejection, Applicants note that Claims 21, 40, 43, 47, 49, 50, 51, and 59 are included in the body of the rejection. Accordingly, Applicants have included Claims 21, 40, 43, 47, 49, 50, 51, and 59 in these arguments.

Tondevold et al. and Streetman et al. are described above.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al. and Streetman et al. describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al. and Streetman et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Streetman et al. describe or

suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Streetman et al.

Claims 18 and 21 depend from Claim 1. When the recitations of Claims 18 and 21 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 18 and 21 likewise are patentable over Tondevold et al. in view of Streetman et al.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Streetman et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claims 40 and 43 depend from independent Claim 23. When the recitations of Claims 40 and 43 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claims 40 and 43 likewise are patentable over Tondevold et al. in view of Streetman et al.

Claim 47 recites a method for exchanging information within a partnership involved in oil and gas exploration using a web-based system, said method comprising: “prompting an authorized user from the information page to access at least one of the plurality of analytical tools including . . . prompting an authorized user from the information page to access at least one of the plurality of analytical tools including an authorization for expenditure tool and a glance hedge partnership tool . . . wherein the glance hedge partnership tool enables an authorized user to determine a hedge position for the partnership from the partnership business data stored within the database . . .”

Claim 47 recites a method involved in oil and gas exploration that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 47 is patentable over Tondevold et al. in view of Streetman et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claims 49, 50, and 51 depend from independent Claim 47. When the recitations of Claims 49, 50, and 51 are considered in combination with the recitations of Claim 47, Applicants respectfully submit that dependent Claims 49, 50, and 51 likewise are patentable over Tondevold et al. in view of Streetman et al.

Claim 52 is recited above.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over Tondevold et al. in view of Streetman et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 59 depends from independent Claim 52. When the recitations of Claim 59 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claim 59 likewise is patentable over Tondevold et al. in view of Streetman et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claim 18 under Section 103 be withdrawn.

The rejection of Claim 53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 6,341,290 (Lombardo et al.) and further in view of U.S. Patent 6,442,526 (Vance et al.) is respectfully traversed.

Tondevold et al. and Vance et al. are described above.

Lombardo et al. describes a system and method for automatic the communication of business information. The system includes capturing business information from a plurality of sources, integrating the captured information in a standardized format, and displaying the captured information. Notably, nowhere does Lombardo et al. describe or suggest determining a hedge position for a partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al., Lombardo et al., and Vance et al. describes or suggests a method for exchanging information within a

partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al., Lombardo et al., and Vance et al. describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Lombardo et al. or Vance et al. describe or suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Lombardo et al. and further in view of Vance et al.

Claim 52 is recited above.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is patentable over Tondevold et al. in view of Gastineau et al. for at least the reasons that correspond to those given with respect to Claim 1.

Claim 53 depends from independent Claim 52. When the recitations of Claim 53 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claim 53 likewise is patentable over Tondevold et al. in view of Gastineau et al.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claim 53 under Section 103 be withdrawn.

The rejection of Claims 19, 20, 41, 42, 60, and 61 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 5,615,109 (Eder) is respectfully traversed.

Tondevold et al. is described above.

Eder describes a system and method for creating feasible, profit maximizing sets of requisitions. The system includes creating sales forecasts by adjusting generic templates and

calculating potential profit enhancing changes to the forecasts. Notably, nowhere does Eder describe or suggest determining a hedge position for a partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al. and Eder describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al. and Eder describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Eder describe or suggest determining a hedge position for a partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Eder.

Claims 19-20 depends from Claim 1. When the recitations of Claims 19-20 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that dependent Claims 19-20 likewise are patentable over Tondevold et al. in view of Eder.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Eder for at least the reasons that correspond to those given with respect to Claim 1.

Claims 41-42 depend from independent Claim 23. When the recitations of Claims 41-42 are considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claims 41-42 likewise are patentable over Tondevold et al. in view of Eder.

Claim 52 is recited above.

Claim 52 recites a computer program embodied on a computer readable medium and executable by a processor comprising at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 52 is

patentable over Tondevold et al. in view of Eder for at least the reasons that correspond to those given with respect to Claim 1.

Claims 60-61 depend from independent Claim 52. When the recitations of Claims 60-61 are considered in combination with the recitations of Claim 52, Applicants respectfully submit that dependent Claims 60-61 likewise are patentable over Tondevold et al. in view of Eder.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 19, 20, 41, 42, 60, and 61 under Section 103 be withdrawn.

The rejection of Claim 45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 7,099,838 (Gastineau et al.) and further in view of U.S. Patent 7,006,992 (Packwood) is respectfully traversed.

Tondevold et al. and Gastineau et al. are described above.

Packwood describes a method of analyzing and presenting a series of risk factors associated with the operation of a business. The method includes identifying and evaluating a plurality of financial risk factors, and, taking into consideration a plurality of different risk tolerance levels, generating a risk management report. Notably, nowhere does Packwood describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al., Gastineau et al., and Packwood describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al., Gastineau et al., and Packwood describes or suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Gastineau et al. describe or suggest determining a hedge position *for a partnership* (emphasis added). In contrast to the invention, Gastineau et al. recites “adjusting portfolio positions to take into consideration any trading that occurred on the previous trading day.” Moreover,

nowhere does Packwood describe or suggest determining a hedge position for the partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Gastineau et al. and further in view of Packwood.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Gastineau et al. and further in view of Packwood for at least the reasons that correspond to those given with respect to Claim 1.

Claim 45 depends from independent Claim 23. When the recitations of Claim 45 is considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claim 45 likewise is patentable over Tondevold et al. in view of Gastineau et al. and further in view of Packwood.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claim 45 under Section 103 be withdrawn.

The rejection of Claims 46 and 48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,410,646 (Tondevold et al.) in view of U.S. Patent 7,099,838 (Gastineau et al.) and U.S. Patent 7,006,992 (Packwood) and further in view of “In the Counting House” (Williams) is respectfully traversed.

Tondevold et al., Gastineau et al., and Packwood are described above.

Williams describes the petroleum industry’s improvement in reserve estimation by switching from a deterministic system to a probabilistic approach. The article describes new technologies in reserve estimation, including improvements in seismic evaluations. Notably, nowhere does Williams describe or suggest determining a hedge position for the partnership.

Claim 1 is recited above.

Applicants respectfully submit that no combination of Tondevold et al., Gastineau et al., Packwood, and Williams describes or suggests a method for exchanging information within a partnership using a web-based system as is recited in Claim 1. Specifically, no combination of Tondevold et al., Gastineau et al., Packwood, and Williams describes or

suggests determining a hedge position for the partnership. Notably, as recited in the Office Action on page 17, Tondevold et al. does not describe or suggest “a glance hedge partnership tool to provide an authorized user with information relating to the partnership’s hedge position in a specific location including at least one of hedge breakage gains and losses.” Moreover, nowhere does Gastineau et al. describe or suggest determining a hedge position *for a partnership* (emphasis added). In contrast to the invention, Gastineau et al. recites “adjusting portfolio positions to take into consideration any trading that occurred on the previous trading day.” Moreover, nowhere does Packwood or Williams describe or suggest determining a hedge position for the partnership. Accordingly, for at least the reasons set forth above, Claim 1 is submitted as patentable over Tondevold et al. in view of Gastineau et al. and further in view of Packwood.

Claim 23 is recited above.

Claim 23 recites a web-based system comprising a server configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Tondevold et al. in view of Gastineau et al. and Packwood and further in view of Williams for at least the reasons that correspond to those given with respect to Claim 1.

Claim 46 depends from independent Claim 23. When the recitations of Claim 46 is considered in combination with the recitations of Claim 23, Applicants respectfully submit that dependent Claim 46 likewise is patentable over Tondevold et al. in view of Gastineau et al. and Packwood and further in view of Williams.

Claim 47 is recited above.

Claim 47 recites a method involved in oil and gas exploration that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 47 is patentable over Tondevold et al. in view of Gastineau et al. and Packwood and further in view of Williams for at least the reasons that correspond to those given with respect to Claim 1.

Claim 48 depends from independent Claim 47. When the recitations of Claim 48 is considered in combination with the recitations of Claim 47, Applicants respectfully submit

that dependent Claim 48 likewise is patentable over Tondevold et al. in view of Gastineau et al. and Packwood and further in view of Williams.

For at least the reasons set forth above, Applicants respectfully request that the rejection of Claims 46 and 48 under Section 103 be withdrawn.

Notwithstanding the above, Applicants respectfully submit that the Section 103 rejections of the presently pending claims are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Tondevold et al., Mahoney et al., Vance et al., Takriti et al., Gastineau et al., Streetman et al., Lombardo et al., Eder, Packwood, and Williams, considered alone or in combination, describe or suggest the claimed combination. Further, it is impermissible to use the claimed invention as an instruction manual or “template” to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obvious analysis, and notes that fact finders should be cautious of arguments reliant upon *ex post* reasoning. See KSR International Co. v. Teleflex, Inc., 127 S. Ct. 1727, 82 USPQ2d at 1397. See also Ex parte Rinkevich, 2007 WL 1552288 (Bd. Pat. App. & Interf. May 29, 2007). Following the Supreme Court’s guidance provided in KSR International Co. v. Teleflex, Inc. with respect to impermissible hindsight, a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably looked to the cited references to solve the problem addressed by the present invention. Rather, such a suggestion is disclosed only in the present application.


Applicants submit that the presently claimed invention is not obvious over any combination of the cited references. The United States Supreme Court has recently held that obviousness rejections must be supported with “articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See KSR International Co. v. Teleflex, Inc., 127 S. Ct. 1727 at 1740-41, 82 USPQ2d at 1396, citing In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds

cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”). The present rejection does not appear to meet this standard as it reflects no articulate reasoning why the independent or dependent claims are believed to be obvious, but rather is stated in the form of a conclusion of obviousness. Applicants accordingly request specific explanation and articulation regarding the reasoning and rational underpinning for any obviousness rejection of the claims. It is not believed that adequate reasons why the presently claimed invention is believed to be obvious have been provided on the present record.

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 1-61 under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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